

10/527985
JC06 Rec'd PCT/PTO 21 MAR 2005

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München, July 16, 2003
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Request for examination, payment date: October 2, 2002

Submitted: **received:**

Further examination of the above-mentioned patent application has led to the following result. A period of

4 month(s) *[Deadline: 11.16.03]*

is provided for a response, which starts with the date of delivery.

Respectively **two copies** of all documents, which may be added to the response (e.g. patent claims, description, text passages from the description, drawings) must be submitted on separate pages. Only one copy of the response itself is required.

If the patent claims, the description of the drawings are changed during the course of the examination procedure, the applicant must list individually the location in the original documents where the inventive features, described in the new documents, can be found, provided the changes are not suggested by the German Patent and Trademark Office itself.

Reference to the Option of Filing a Divisional Design Patent

The applicant of a patent application filed effective after January 1, 1987 in the Federal Republic of Germany, can file a design patent (utility model), relating to the same subject matter, and can simultaneously claim the date of the application of the earlier patent application. This divisional (§ 4 of the Utility Model Act) is possible until the end of 2 months following the end of the month in which the patent has been withdrawn due to a legal rejection, voluntarily or a fictional withdrawal, an objection procedure has been concluded or – in case of a patent granting – the period of objection to the granting of the patent has expired without result. Detailed information on the requirements for filing a utility model application, including the divisional, is contained in the Information Sheet for Utility Model Applicants (G 6181), which can be obtained free of cost from the German Patent and Trademark office and the patent information centers.

The following cited references are mentioned for the first time in this Office Action (the same numbering applies to the continued procedure):

1. DE 198 12 579 A1
2. DE 197 17 473 A1
3. DE 196 23 449 A1
4. US 3 893 726
5. DE 42 06 780 A1

The Examination is based on the claims 1-32 received on the application filing date.

I.

An energy absorber for motor vehicles is known from cited reference 1, wherein this energy absorber consists of a tube-shaped material 19 provided with a number of chip-removing elements 11-14 and wherein the chip-removing elements 11-14 are arranged material-to-material and form-fitting and peripherally along a central opening in a metal base plate 10 with flange 20 and encircle the tube-shaped material 19 so as to be force-locking (in particular penetrating), thereby effecting the energy-absorption through chip removal in longitudinal direction of the tube in the event of a crash.

As a result and in addition to the preamble, most of the features of the filed main claim are known from cited reference 1, so that this claim is no longer allowable.

The distinguishing feature between the subject matter of the present application and the prior art, meaning that the raw material is a polymer, does not constitute inventive activity since it suggests itself to use a known material with its known properties and effects.

In addition, the use of polymer energy absorbers for the purpose of material removal by means of chip removal is known from cited reference 2 and 3.

A further example of the energy absorption by means of chip removal of material follows from the cited reference 4.

In addition, the cited reference 1-4 suggest the subject matter of the present claim 29, thus rendering this claim not allowable.

II.

If claims 1 and 29 are not allowable, the dependent claims that refer back directly or indirectly to these claims are also not allowable for formal reasons alone.

The features in claims 2-28 refer to useful material selections and/or the optimization of material and do not require inventive activity. With respect to the materials in claim 2, we additionally want to point to the cited reference 2.

The features disclosed in claims 9-12 and 17 refer to purely structural measures for the dimensioning.

Claim 10 is furthermore not clear owing to the expression in brackets.

Claim 12 contains the word "preferably," which in an unacceptable manner represents optional features.

The multi-layer composition, even using metal, in claims 13, 15, and 16 also follows from cited reference 5.

The references to other claims in claims 13 and 16 would have to be incorporated into the preamble to the main claim and/or are already contained therein as is the case with claim 13.

Claim 18 describes standard and well known production methods for polymer components.

The features in claim 19 are already contained in claim 1 and/or simply specify a task in the case of a precisely defined crash speed.

This is also true for claim 20 with respect to the problem definition.

The features in claim 21 follow from the cited reference 1.

Claim 24 describes the same facts as claim 22. With four chip-removing elements, the spacing is of course $\frac{1}{4}$, meaning 25% of the peripheral distance.

The material penetration depth in claim 26 of necessity follows from the previously defined length and the chip-removing angle for the chip-removing element.

The guide sleeve disclosed in claim 28 follows from the cited reference 2.

The features in claim 30 are also disclosed in the cited reference 1.

As a result, these claims are also not allowable.

However, if applicant still sees features which could lead to a viable main claim, applicant is asked to submit a set of claims directed toward these features, by taking into consideration the prior art and the above-provided explanations for the disclosure and inventive activity, as well as an adapted Introductory Section to the Specification.

A patent granting cannot be held out given the present documents.

Examination Office for Class B 60 R

/s/ Dipl.-Ing. Pijun

Extension: 3054

Enclosures: copies of cited references 1 to 5.